

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7031 of 2006

State of Maharashtra & Anr. .. Petitioners
versus
Shri Ramesh N. Salunkhe .. Respondent

...

Mr.S.K. Chincholikar, AGP for the State.

Mr.Srikumar Pathardu i/b Ms.Shital C. Sonawane for
respondent.

CORAM : S.B. MHASE AND
D.G.KARNIK, JJ

DATED : 24th September 2007

P.C.:

. Heard learned AGP for the petitioner.

2. By this petition, the petitioner State challenges the judgement and order dated 8th August 2000 passed by the Maharashtra Administrative Tribunal allowing the appeal of the respondent. The respondent is in Government service. The Collector of District Sindhudurg imposed punishment on him on the ground of misconduct. The order of punishment

was confirmed by Commissioner in Appeal. However, the Maharashtra Administrative Tribunal quashed the said order on the ground that the order of punishment has not been passed by an authority who was not the appointing authority. It is not disputed that in respect of the respondent, the state government was the appointing authority and Collector was not the appointing authority. In the circumstances, Maharashtra Administrative Tribunal was right in holding that the order of punishment could not be passed by the Collector who was not the appointing authority.

3. We see no error in the order. Hence, Writ Petition is rejected summarily.

(D.G. KARNIK, J)

(S.B. MHASE, J)